

# **BILLINGS COUNTY ZONING RESOLUTION NO. 1**

A resolution providing for the zoning of the unincorporated area of Billings County by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands and for such purposed dividing the unincorporated area of Billings County into zones or districts of such number, sizes and providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

Whereas, the Board of County Commissioners of Billings County, North Dakota for the purpose of promoting health, safety, morals, public convenience, general prosperity and public welfare of said Billings County.

Now, therefore, be it resolved, by the Board of Commissioners of Billings County, North Dakota:

## **SECTION I. PURPOSE**

For the purpose of promoting health, safety, morals, public convenience, general prosperity and public welfare, to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Commissioners of Billings County finds it necessary and advisable to regulate the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins and trailer coaches and uses of land for trade, industry, residence, recreation or other purposes and for such purposes divides the unincorporated area of the county into districts or zones.

## **SECTION II. DISTRICTS**

For the purpose of carrying out the provisions of this resolution, the unincorporated area of the county is hereby divided into the following districts:

1. Agricultural, which shall be designated as “AG” districts.
2. Residential, which shall be designates as “RES” districts.
3. Commercial, which shall be designates as “COM” districts.
4. Industrial and manufacturing, which shall be designated as “IN” districts.

The districts as shown on the map hereto attached are hereby established and said map is made a part of this resolution. No building or premises shall be used and no building shall be erected except in conformity with the regulations prescribed herein for the district in which it is located.

## **SECTION III. AGRICULTURAL**

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes on the land on which such buildings shall be located, but such buildings shall conform to the regulations contained in this resolution. For the purpose of this resolution “agriculture” shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. *(see amendment in back for this section)*

## **SECTION IV. CLASSIFICATION OF USES**

For the purposes of this resolution, the various uses of buildings and premises shall be classified as follows:

### **“AG” DISTRICT – Agricultural**

**SECTION A)** The predominant use in an agricultural district is that of general farming activity. It is the purpose of this resolution to:

- 1) Encourage the use of this land for agricultural operations and purposes.
- 2) Discourage any use which would be detrimental to carrying out the primary function of such area, i.e. agriculture.

**SECTION B)** For the purpose of the administration of this resolution the following uses are permitted in an “AG” Agricultural District, to-wit:

- 1) All customary farming and ranching operations, including the usual farm buildings and structures necessary for the operation of a farm, but not including commercial feed lots, and there shall be a setback of one hundred twenty-five (125) feet for any building or shelter-belt placed along county roads.
- 2) Truck and flower gardening, nurseries, orchards, and greenhouses.
- 3) Roadside stands offering for sale only farm products which have been produced on the premises.
- 4) Public or private forest, wildlife and game management areas and refuges, or similar conservation projects.
- 5) Public parks and playgrounds and other public recreational facilities.
- 6) Animal hospitals.
- 7) Fire or police stations.

### **“RES” DISTRICT – Residential**

The following uses and no other shall be deemed Class “RES” uses and permitted in all “RES” districts:

- 1) Single or two-family dwellings and buildings accessory thereto, but excluding tents, cabins and trailer coaches, except that not more than one trailer coach may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than (1) year.
- 2) Tourist homes, rooming houses and boarding homes accepting not more than four (4) guests at any one time.
- 3) Church, school, college, university, public library, public museum, community center, fire station, township hall, publicly-owned playground.
- 4) Any person may maintain an office or may carry on a customary home occupation in the dwelling house used by him as his private residence providing such use does not involve any extension or modification of said dwelling which will alter its outward appearance as a dwelling and providing such use does not involve any outward evidence of such use other than a sign as authorized in other section of this resolution.
- 5) Hospital, sanitarium or rest home for other than insane or mental cases, providing that any such hospital, sanitarium or rest home shall have a lot area of not less than five (5) acres and a frontage on

a public thoroughfare of not less than five hundred (500') feet and providing that any such hospital, sanitarium or rest home caring for contagious diseases also shall have a lot area of not less than one (1) acre per bed in addition to the other requirements set forth herein.

- 6) Private clubs operated for the benefit of members only, providing that any such private club shall have a lot area of not less than fifty acres (50) and that all buildings incident to the club be located at least five hundred (500') feet for any adjacent property lines and providing further that the owner of the proposed private club obtain from 75% of all property owners within one-half mile of the proposed private club buildings a signed statement stating that they agree to the use of the property as a private club.

Lots or premises used for residential use as defined by this article shall contain at least the following dimensions:

- 1) Lots or premises served by a public water supply and public sanitary sewer system:

Minimum Width	75 Feet
Minimum Depth	150 Feet
Minimum Area	11,250 Square Feet
- 2) Lots or premises served by only (a) public water supply or, (b) public sanitary sewer system:

Minimum Width	85 Feet
Minimum Depth	150 Feet
Minimum Area	12,750 Square Feet
- 3) Lots or premises not served by either a public water supply or a public sanitary sewer system:

Minimum Width	100 Feet
Minimum Depth	200 Feet
Minimum Area	20,000 Square Feet

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, flame or vibration.

### **“COM” DISTRICT – Business and Commercial**

The following uses and no other shall be deemed Class “COM” uses and permitted in all “COM” districts:

- 1) Apartment house, rooming house, hotel, living quarters over business establishment, restaurant, lunchroom, garage.
- 2) Retail store or shop, repair shop, beauty parlor, funeral home, mercantile establishment, bank, office or office building, studio.
- 3) Veterinary hospital.
- 4) Lodge hall.
- 5) Gasoline filling and service station providing storage tanks are underground.
- 6) Indoor theater, bowling alley, dance hall, skating rink.
- 7) Job printing, newspaper printing plant.
- 8) Builder's supply, ice storage and sales, plumbing and heating supply.
- 9) Dairy, locker plant.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, fumes, flame or vibration.

## **“IN” DISTRICT – Industrial and Manufacturing**

The following uses and no other shall be deemed Class “IN” uses and permitted in all “IN” districts:

- 1) Any normal industrial or manufacturing use, providing such use is not noxious, dangerous or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration, except uses specifically prohibited in this resolution.

## **SECTION V. PROHIBITED USES**

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any “AG”, “RES”, “COM”, or “IN”

- 1) Brewery
- 2) Metal powder works
- 3) Chemical plant
- 4) Crematory
- 5) Manufacturing or storage of explosives, gun powder or fireworks.
- 6) Dumping, storing, burying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal use of premises, unless such dumping is done at a place provided by the Board of County Commissioners for such specific purpose.
- 7) Trailer parks, cabins and other lodging facilities used for transient use, excepting those trailer parks, cabins and other lodging facilities used for tourist accommodations on a regular year to year basis.
- 8) Hospitals and sanitariums for insane and mental cases.

## **SECTION VI. NON-CONFORMING USES**

- A) A non-conforming use existing at the time this resolution takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.
- B) Any building arranged, intended or designed for a non-conforming use, the construction of which has been substantially completed at the time of the passage of this resolution, but not completed, may be completed and put to such non-conforming use, providing it is done within one (1) year after this resolution takes effect.
- C) Any building or structure existing as a non-conforming use at the time this resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction.
- D) Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

## **SECTION VII. OUTDOOR ADVERTISING**

For the purposes of this resolution, outdoor advertising shall be classified as a business use and shall be permitted in all “AG”, “COM” and “IN” districts and on all lands for agricultural purposes, subject to the regulations contained in this resolution.

- 1) Signs not larger than three (3) square feet in area are permitted in any of the above name districts when the use of the sign is in direct relation to the use of the premises.
- 2) An outdoor advertising sign or billboard, other than those mentioned in paragraph 1 of this section, shall be deemed a structure and shall require a zoning certificate before being erected, constructed, or replaced.
- 3) No outdoor advertising sign, except those mentioned in paragraph 1 of this section, shall be placed nearer any street or road than the minimum set-back building line.
- 4) No outdoor advertising sign more than three (3) square feet in any size shall be located within one hundred fifty (150) feet of any intersection unless affixed to a building and not extending beyond or above the same more than three (3) feet.
- 5) Any illuminated sign shall be so shaded as not to interfere with the vision of persons on the highway or to annoy neighbors.

## **SECTION VIII. PUBLIC UTILITIES AND RAILROADS**

No public cooperative or privately owned utility or other power company (hereinafter referred to as “the company”) shall lay, bury or place underground any electrical power line, conduit, or other electrical transmission line within the county unless said underground line is layed in with presently existing underground lines; if there are no presently existing underground lines, said company must place any and all presently proposed and future underground lines within one specific trench; a detailed plat of any proposed and all future underground lines must be filed with the County Auditor sixty (60) days in advance of said initial work; that if said company should not receive written notice to appear before the County Planning Commission concerning said proposed underground lines, the company may assume that the proposed plan for laying underground lines has been approved and may commence work immediately following the expiration of the sixty (60) days.

## **SECTION IX. MINIMUM LOT AREA PER FAMILY**

- 1) No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than one (1) acre of lot area unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.
- 2) No two-family or multiple dwellings shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than (1) acre of lot area per family.
- 3) No apartment house or living quarters over a business establishment shall be erected or building altered into apartments to accommodate more than one family for each twenty-five hundred (2500) square feet of lot area.
- 4) In computing lot areas, not to exceed one-half of the width of the road or street right-of-way may be included if the lot owner holds title to the same.

## **SECTION X. MINIMUM LOT WIDTH**

No dwelling shall be erected in any district excepting an Agricultural District on a lot having a frontage of less than one hundred fifty (150) feet on a public thoroughfare unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to comply with this requirement. No minimum lot width shall be required in a “COM” and “IN” district except such as is necessary to comply with the requirements for yard and lot areas or parking facilities.

## **SECTION XI. SET-BACK BUILDING LINES**

No building or structure or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy (70) feet of the right-of-way side line of any road or street. If there is no established right-of-way side line for any road or street, said side line shall be deemed to be thirty-three (33) feet from the center of the road. *(see amendment in back for this section)*

## **SECTION XII. SIDE YARDS**

For every building erected in all districts except “AG”, and for every dwelling erected in any district, there shall be a minimum side lot clearance on each side of said building of not less than thirty (30) feet, which space shall remain open and unoccupied by any building or structure. Attached garages or accessory buildings connected with the main building by a breezeway or the permanently constructed connection shall be construed to be part of the main building for the purposes of this section. All other accessory buildings shall be at least twenty (20) feet from any dwelling.

Provided, however, that an accessory building located not less than twenty (20) feet to the rear of the main buildings may be erected not less than five (5) feet from a side lot line, except on corner lots, provided that it will be not less than twenty (20) feet distance from any existing residence. An accessory building is a subordinate building customarily incident to and located on the same lot with the main building.

## **SECTION XIII. CORNER LOTS**

The set-back building line on a corner lot shall be in accordance with the provisions governing the road or street on which the building faces. If possible, the side yard clearance on the side street should conform to the set-back line for an inside lot on said road or street, but in no event shall said side yard clearance be less than forty-five (45) feet.

## **SECTION XIV. REAR YARDS**

For every building erected in a “RES” district and for every dwelling erected in any district, there shall be a minimum rear lot clearance at the rear of said building of at least fifteen (15) feet, which space shall remain open and unoccupied by any building or structure.

## **SECTION XV. REAR HOUSES**

No dwelling or apartment house shall be erected or altered or used unless the same shall have access to a public street, and if located in the rear of another building and has no immediate street frontage, then a permanent easement for access shall be provided over an unoccupied strip of land at least twenty (20) feet in width and such reserved strip may not form a part of any lot width or lot yard or lot area required by this resolution, and if more than one dwelling is located in the rear of another building and has no immediate street frontage, then said easement for access shall be not less than forty (40) feet in width and each additional said rear house shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard areas as through said dwelling was located on a public street. Said easements shall be executed with the requirements provided by law for deeds and shall be filed with the Register of Deeds of this county for record.

## **SECTION XVI. MAXIMUM HEIGHT OF BUILDINGS**

No building shall be erected in any district except "AG" to a height in excess of two and one-half (2 ½) stories or in excess of thirty-five (35) feet, measured from the natural grade at the building line to the highest point on roof, except that these provisions shall not apply to the height of a church spire, belfry, clock tower, wireless tower, chimney, water tank, elevator bulkhead, stage tower, scenery loft or other mechanical appurtenances when erected upon and as an integral part of such building.

## **SECTION XVII. MINIMUM SIZE OF DWELLINGS**

Every dwelling or residence shall have a first-floor space designed and used for living quarters of not less than five hundred (500) square feet per family unit exclusive of basements, utility rooms, porches, garages, breezeways, terraces, attics or partial stories.

## **SECTION XVIII. PARKING FACILITIES**

- 1) All dwelling and apartment houses shall provide parking space off the road or street and outside of the public right-of-way, together with means of ingress and egress thereto, for not less than one motor vehicle per dwelling unit or apartment. Not less than two hundred (200) square feet of area shall be deemed necessary for each such vehicle.
- 2) All Class "COM" uses shall provide parking space off the road or street, outside of the public right-of-way and not more than three hundred (300) feet distant from an entrance to said establishment of an area of not less than two hundred (200) square feet for each one hundred (100) square feet of area of the first floor of said establishment which it serves.
- 3) Every theater, auditorium, stadium, arena, building or grounds used for the assembling of persons to attend theatrical performances, shows, exhibitions, contests, concerts, lectures, entertainment and similar activities shall provide off the street or road and outside of the public right-of-way not less than two hundred (200) square feet of space, suitable for parking automobiles and other vehicles, for every four persons to be accommodated. Such parking space shall be within four hundred (400) feet of the main entrance to such use, shall provide adequate means of ingress and egress and shall be available for the use of such patrons.
- 4) All Class "COM" and Class "IN" uses shall provide adequate parking space off the road or street and outside of the public right-of-way for vehicles delivering to, unloading, loading or taking away from said user goods, materials, supplies, or waste in connection with said business or use.

## **SECTION XIX. ZONING CERTIFICATE**

The position of County Zoning Inspector is hereby created. The County Director of Tax Equalization shall serve as the County Zoning Inspector. He/She shall keep records of all applications for zoning certificates and the action taken thereon.

Before constructing, changing the use of, or altering any buildings, including accessory buildings, or changing the use of any premises, if the use, altering or changing shall exceed the sum of \$500.00 excepting "AG" uses, an application shall be made to the County Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed plan, showing the proposed location and dimensions, height of the building and the proposed use. Within ten (10) days after receipt of the application,

the Zoning Inspector shall issue a zoning certificate if the application complies with the requirements of this resolution and the application is accompanied by the proper fee.

The County Zoning Inspector shall be paid a fee of three dollars (\$3.00) for issuing a zoning permit and for making subsequent inspection for alterations, remodeling or new construction jobs fewer than 750 square feet of area and five dollars (\$5.00) for jobs of 750 square feet or more.

## **SECTION XX. SPECIAL USE**

**SPECIAL USES.** In order to carry out the purposes of this regulation, the Board of County Commissioners may require that certain uses, because of unusual size, safety hazards, infrequent occurrence, effect on surrounding area, or other reasons, be reviewed by such Board prior to the granting of a building permit or certificate of occupancy therefore; and that the Board of County Commissioners be and is hereby given limited discretionary powers relating to the granting of such permit or certificate as special uses.

### **GENERAL PROVISIONS**

- A) The uses listed in this section are designated as special uses, and no building permit or certificate of occupancy shall be issued by the building inspector until the application for such permit or certificate has been reviewed and authorized by the Board of County Commissioners.
- B) The Board of County Commissioners shall not authorize the issuance of a building permit or certificate of occupancy until the applicant therefore as appeared at a public hearing on such application, notice of the time and place of which hearing has been given in the official county newspaper and a newspaper in the area involved at least ten days prior to the date of such hearing.
- C) Before approving the issuance of a building permit or certificate of occupancy for a special use, the Board of County Commissioners shall find:
  - 1) The proposed use is in harmony with the purpose of this regulation.
  - 2) The proposed use will not adversely affect the health and safety of the public and the workers and residents, or farming in the area, and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
  - 3) The proposed use will comply with all appropriate regulations for the district in which it will be located.
  - 4) The proposed use will comply with all special regulations established by this section and all special conditions necessary for the sanitation, safety, lighting and general welfare of the public.
- D) The Board of County Commissioners is authorized to impose any conditions on the granting of a building permit or certificate of occupancy for a special use it deems necessary for the protection of the neighborhood and the general welfare of the public
- E) The Board of County Commissioners shall refuse to authorize the issuance of a building permit or certificate of occupancy for any special use if the Board finds that such special use would fail to comply with any of the requirements of this regulation in this section.
- F) The Board of County Commissioners shall require the applicant for authorization of a special use to furnish any engineering drawings or specifications, site plans, operating plans or any other data the Board Finds necessary to appraise the need for or affect of such special use.
- G) That the uses hereinafter listed are not inclusive. As to any and all other uses not specifically prohibited or otherwise governed by said Zoning Ordinances, such other uses are to be considered as a Special Use Hereunder and shall be subject to the Special Use provisions herein.  
*(see amendment in back for this section)*



## **JUNKYARDS**

- 1) The total area of the premises shall be not less than five (5) acres.
- 2) That no burning of salvaged materials or junk be permitted on the premises.
- 3) That the entire salvage yard or junk yard be fenced with a solid wall, solid board or metal fence or compact evergreen hedge not less than ten (10) feet in height.
- 4) That the fence be set back at least one hundred (100') feet from the front property line and at least twenty five (25') feet from the side and rear property lines.
- 5) That all vehicles, junk or salvage being processed or to be processed will be confined within the fenced area.
- 6) That the operations will be conducted in such a manner as to prevent unsightliness of the area.
- 7) That the operations will not be located immediately adjacent to any major highway.

## **AIRPORTS**

An airport or heliport may be permitted in an Agriculture District as a special use, provided:

- A) The area shall be sufficient to meet the Federal Aviation Agency requirements for the class of airport proposed.
- B) There is no existing flight obstruction such as towers, chimneys, or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed airport runways or landing strips.
- C) There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency or any other appropriate authority. In cases where air rights or easements have been acquired from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- D) Any buildings, hangars, or other structure shall be at least 100 feet from any street or lot line.
- E) Adequate space for off-street parking of at least 50 vehicles has been provided. If, in the opinion of the Board of County Commissioners, off-street parking space for more than 50 vehicles will be required, the Board shall increase this requirement.
- F) The application for authorization of an airport shall be accompanied by a plan, drawn to scale, showing the proposed location of the airport; boundary lines; dimensions; names of the owners of abutting properties; proposed layout of runways; landing strips at areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings; structures, trees, and overhead wires falling within the airport approach zone and less than 500 feet distant from the boundary lines of the airport, other pertinent data such as topography and grading plan, drainage, water, and sewage, etc.
- G) The plans for the proposed airport have been reviewed by the County Planning Commission. In its approval of the proposed airport the County Planning Commission shall make at least the following two findings:
  - a. The airport is not in conflict with any existing element of a master plan.
  - b. The benefits of and need for the airport are greater than the depreciating effects and damages to the neighboring property.

## **CEMETARY**

A cemetery, mausoleum, columbarium or crematory may be permitted as a special use.

## **DRIVE-IN THEATER**

A drive-in theater may be permitted in any District as a special use, provided:

- A) No part of such theater shall be located closer to the boundary of any residential district than 1,000 feet, nor closer to any highway or adjoining property line than 100 feet.
- B) The area accessible to patrons' vehicles shall be treated with a suitable material to prevent dust.
- C) Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than 10 percent of the vehicular capacity of the theater.
- D) The vehicular circulation shall be so designed and constructed as to permit only one way traffic within the boundaries of the tract on which the theater is to be located.
- E) Ingress and egress from the highway shall be so designed and constructed as to provide for safe traffic movement.
- F) A structure for the sale and service of food and non-alcoholic beverages may be permitted as an accessory use for a drive-in theater when approved by the governing health authority.

## **GOLF DRIVING RANGE, MINIATURE GOLF COURSE**

A golf driving or miniature golf course, go-cart track, race track or other commercial recreational facilities of a similar nature, may be permitted as a special use provided:

- A) The area within 500 feet of all boundaries of the lot is not developed in residence to a greater density than one family per acre.
- B) Any flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property, highways and streets.
- C) The Board of County Commissioners shall grant only a temporary certificate of occupancy for a period not to exceed one year. Which certificate may be renewed at the expiration of each temporary certificate of occupancy for an additional year, and other standards established by this resolution or special conditions imposed by the Board of County Commissioners have been fully complied with.

## **TEMPORARY USES**

The Board of County Commissioners is authorized to grant the certificate of occupancy for temporary uses as follows:

- A) For a carnival or circus in areas approved by the Board of County Commissioners, for a period not to exceed 21 days.
- B) For a religious meeting in a tent or other temporary structure for a period not to exceed 60 days.
- C) Contractor's office and equipment sheds in any district for a period not to exceed two years; provided further, that such temporary certificate may be renewed for additional periods of one year.

## **MOBILE HOME CAMP**

A mobile home camp may be permitted in a District as a special use, provided;

- A) The minimum total area of the premises shall be 90,000 square feet.
- B) The minimum unit area of premises used or occupied by each mobile home shall be 2,000 square feet, clearly defined on the ground by stakes, posts or other markers.
- C) The minimum lane or driveway on which each individual mobile home fronts shall be 20 feet in width surfaced with an all-weather surface and giving an unobstructed access to public street or highway.
- D) No mobile home shall be placed within 20 feet of any other mobile home nor within 30 feet of the right-of-way line of any street, nor within 10 feet of any other boundary of the mobile home camp.
- E) All entrances, exits, lanes and driveways between rows of mobile homes used or occupied in any mobile home camp shall be lighted by electricity; at least 150 watt light shall be provided for each 50 lineal feet of lane or driveway.
- F) No business shall be conducted in any mobile home in any mobile home camp.

- G) Every mobile home camp, if in the opinion of the Planning Commission it is necessary, shall have erected around its boarder suitable woven wire or open metal fence not less than five (5) feet, nor more than six (6) feet in height, having only necessary openings for ingress and egress to public street, highway or alley. Barbed wire shall not be used in the construction of any fence.
- H) All provisions for water supply, laundry, sewage, and fire protection to be provided in any mobile home camp shall have been approved by the appropriate county, or state officer or agency.
- I) Space shall be reserved for playground area in an amount not less than 100 square feet for each trailer space

## **TAVERNS, SALOONS, ETC**

Taverns, saloons, or other places where alcoholic beverages as defined by law, are sold or consumed shall be in "COM" and "IN" Districts only and after approval by the Board of County Commissioners.

## **ROADSIDE STANDS**

Roadside stands for the sale of agricultural products shall be located in areas only approved by the Board of County Commissioners.

## **SLAUGHTER HOUSES OR MEAT PACKING FACILITIES**

Slaughter house or meat packing facilities shall be located in an Industrial District when approved by the Board of County Commissioners.

Any commercial feed lots or other industry which may produce an obnoxious odor. Such facilities shall be located only in the area approved by the Board of County Commissioners.

## **MINING**

That sand, gravel, scoria or other excavation operations may be permitted in an agricultural or industrial district as a special use provided:

- 1) The application for authorization shall be accompanied by a plan, drawn to scale, showing the proposed location of the excavations, boundary lines, dimensions, and other pertinent data such as topography and contours or at least two (2) feet interval.
- 2) The application shall be accompanied by a plan showing the contemplated change of the land and plans for the reclamation of such land showing contours of the land on at least two (2) foot intervals.
- 3) No excavation or processing of excavated materials shall occur less than thirty (30) feet distance from any property line or less than one hundred twenty-five feet (125') distance from any existing residence. The County Planning Commission shall specify the degree of slopes of banks for all excavations and the depth of and distance from any public structures when excavations are made in or near stream beds.
- 4) All excavations shall be made in manner so as to assure the maximum reclamation of the land and to hold to a minimum any adverse affect to adjacent land resulting from the piling or storing of overburden materials.
- 5) After an excavation has been completed, the operator shall spread evenly over the bottom of the excavation the excess west material. He then shall spread evenly the top soil to a minimum depth of one (1) foot. The area shall then be reclaimed and seeded so as to prevent soil erosion, using control measure that are in accordance with standards and specifications of the Billings County Soil Conservation District.
- 6) Excavation operators shall maintain haulage roads in a reasonable dust-free condition so as not to be injurious in any manner to neighboring premises.

- 7) Operations shall be conducted in such a manner that stagnant water will not be allowed to collect or remain thereon.
- 8) The application for a Special Use Permit hereunder shall be accompanied by a surety company bond, in a form to be approved by the County Planning Commission, and equal to the number of acres covered by the application multiplied by ten thousand (10,000) dollars. This bond is to insure the compliance of the operator with the rules and regulations hereunder pertaining to the extraction and processing of the material and the reclamation of the land. Provided, however, that this provision shall not apply to operations by the State of North Dakota or Billings County
- 9) That all permits granted hereunder shall be in force for a period of two (2) years from the date of issuance unless a shorter time is set by the County Planning Commission. A renewal of the permit shall be considered as a new permit.
- 10) For contractors' offices and equipment sheds in any district for a period not to exceed one year, provided further that such a temporary certificate may be renewed for an additional one year period.

## **SANITARY REQUIREMENTS – SECTION XXI.**

After the adoption of this resolution no building other than those used for farming in the zoned areas of the unincorporated part of Billings County shall hereafter be erected, reconstructed, moved or any work started upon the same until proper permits have been obtained as provided by this resolution. Such permits shall not be issued until the following requirements have been satisfied.

- A) Source of water supply. Whenever a building is to be erected and not connected to any approved water supply, evidence shall be submitted showing that the system to be provided is considered as being safe and satisfactory by the North Dakota State Health Department or other designated agency.
- B) Whenever a building is to be erected and not connected to an approved sanitary sewer system, evidence shall be submitted showing that the system and method of disposal is considered satisfactory by the North Dakota State Health Department or other designated agency. Further, such information shall include leaching capabilities of the particular soil in question.

## **SECTION XXII. BOUNDARIES OF DISTRICTS**

Rules where uncertainties may arise: Where uncertainties exist, with respect to the boundaries of the various districts as shown on the official zoning map and made a part of this resolution, the following shall apply:

- A) The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the official map made a part of this resolution are bounded approximately by streets or alley lines, the streets or alley lines shall be construed as being the boundaries of the district.

## **SECTION XXIII. PROVISION FOR ALLOWANCE OF VARIANCE**

Where the strict and literal application of the provisions of the zoning resolution would in fact involve practical difficulties or would cause undue hardship in the use of the property, the Billings County Board of Commissioners may consider and authorize a variance from such literal application, so as to relieve such difficulties and hardship in harmony with the spirit and purpose of the zoning resolution. In authorizing a variance the Billings County Board of Commissioners may attach thereto such conditions as may be necessary to carry out the spirit and purpose of the zoning resolution. Any authorized variance shall become void after one year if no substantial construction has taken place in accordance with the plans for which such variance was authorized.

NO variance from the requirement of the zoning resolution shall be authorized by the Billings County Board of Commissioners unless it finds that all the facts and conditions exist as follows:

- A) That there are exceptional or extraordinary circumstances or conditions applying to the property involved, or as to the intended use thereof, that do not apply generally to other property in the same vicinity or zoning district.
- B) That such variance is necessary for the preservation and enjoyment of a substantial property right of applicant possessed by the owners of other property in the same vicinity or zoning district.
- C) That the authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located.

## SECTION XXIV. DEFINITIONS UNDER ZONING ORDINANCE

Words used in the present tense include the future tense, the singular number includes the plural number, and the plural number includes the singular number; the term building includes the term structure; the term occupied includes the term designed or intended to be occupied; the term used includes the term arranged, designed or intended to be used. The term shall is mandatory and not directory.

**Accessory Use:** A use or building customarily incident to and located on the same lot with another use or building.

**Affected Area:** An area having a radius of one mile from a proposed change.

**Alley:** A thoroughfare less than thirty feet in width, or an unnamed thoroughfare twenty feet or more in width.

**Alterations, Structural:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Apartment:** A room or suite of rooms in an apartment house which room or suite of rooms is arranged, intended, designed and constructed or reconstructed to be occupied as a residence of single family, individual, or group of individuals.

**Apartment House:** A building or portion thereof used as a residence for 2 or more families living in separate complete housekeeping units.

**Apartment Building:** A building, located on the same lot with the main building, the use of which is accessory thereto.

**Bathroom:** A room within the structure containing at least a washbasin and water closet, and a permanently installed tub or shower bath.

**Building:** Any structure built for the support, shelter or enclosure of persons, animals, mechanical devices or chattels, and, when separated by division walls without openings from the ground up, each portion of such structure shall be deemed a separate building.

**Building Area:** The maximum horizontal projected area of a building and its appurtenant buildings, excluding open steps, buttresses, terraces, cornices and other minor, ornamental features projecting from the walls of the building, not otherwise supported by the ground.

**Building, Height of:** The vertical distance measured from the average curb level at the front of the building to the highest point of the roof surface, if a flat roof; to the deck line of mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs. For buildings set back from the street line the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided its distance from the street line is not less than the height of such grade above the established curb level.

**Commercial Feed Lot:** Any buildings, structure, enclosure, or premises used, designed or intended for the commercial feeding of two or more animals which is operated as a separate pursuit and not as incidental to farming as a given piece of land regardless of its size.

**Construction:** Construction shall be deemed begun when ground is broken for the purpose of the erection of any building falling under the jurisdiction of this ordinance.

**Court:** That part of a lot which is occupied from the ground to the sky or from an intermediate floor to the sky; and in relation to a story of a building it shall mean the part of a lot which is unoccupied above a horizontal plane passing through said story at the level of the sill of the lowest window transmitting light from the court to said story.

**Court and Yard, Height of:** The vertical distance measured from the mean elevation of the highest adjacent wall of the building, which the court or yard serves, to the level of the lowest floor occupied for the purpose which requires such court or yard.

**Court, Width of:** The least horizontal dimension of a court.

**Court, Exterior:** A court bounded on all sides by the walls of the building which it serves or by the walls of a building and the lot line or lines of adjacent property.

**Family:** A number of individuals related by blood, marriage or adoption living and cooking together on the premises as a single housekeeping unit and including domestic employees.

**Farm:** Is a zoned area of Billings County containing at least forty (40) acres, which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, and the storage on the areas; as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the commercial feeding of garbage or offal to swine or other animals. Secondary farming activities could also include the operation of raising fur bearing animals, fish, bees and birds, provided further that the farming does not include the commercial processing of fur bearing animals, fish, bees-honey and birds. That feed lots which are operated as a separate pursuit shall be deemed commercial feed lots and shall not be construed as farming or as incident to farming.

**Front Lot Line:** The line of a lot coincident with the principal road line thereof, synonymous with front property line or property frontage. If there is no established right of way side line for a road or street, said line shall be deemed to be 33 feet from the center of the road.

**Garage:** A building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**Higher Use:** A more restricted use.

**Intersection:** The junction of any two or more dedicated and accepted public streets and that area common to both.

**Lot:** A subdivision of a block as shown by any recorded plat of an addition to, or subdivision of, the city; or any portion of land, whether platted or unplatted, considered as a unit of property and described by metes and bounds; if one or more lots are built upon as a unit of property, they shall, for the purpose of this ordinance, be considered as a single lot.

**Lot, Corner:** A lot at the junction of and fronting on two or more intersecting streets, provided the angle of intersection of the street margins does not exceed 45 degrees. Any portion of a corner lot in excess of 15,000 square feet shall be considered an inside lot.

**Lot, Depth of:** The mean horizontal distance from the front line of the lot to the rear line thereof, measured in the general direction of its side lines.

**Lot, Inside:** A lot other than a corner or triangular lot.

**Lot Lines:** The boundaries of a lot as herein defined.

**Lot, Through:** An inside lot having frontage on two streets.

**Lot, Triangular:** A lot the size of which converged toward the rear so that the width of the lot at its rear line, measured along said line shall not be more than 25 feet, nor more than one-half the width of such lot measured along the front line thereof.

**Lot, Width of:** The mean horizontal distance between the sides of the lot, measured at the center of the building.

**Lower Use:** A less restricted use.

**Non-Conforming Use:** A building or premises having a use other than that permitted within the use district in which it is situated.

**Percentage of Lot Occupancy:** That percentage of the area of a lot, as herein defined which is occupied as building area.

**Place:** An open unoccupied space not less than 20 feet in width, other than an alley, which is dedicated to purposes of access for abutting property.

**Rear Lot Line:** The property line opposite the front lot line. If a lot is not in the form of a rectangle but is irregular in shape there shall be no rear lot line unless the principal building on said lot faces an angle thereof, the one side of said angle shall be the front lot line and the line opposite said angle shall be the rear lot line.

**Repair Garage:** A building or space for the storage of motor vehicles at which repairs of any kind of motor vehicle are permitted or at which the sale of accessories and filling station service is permitted.

**Rest Home:** A structure operated for a profit for the care of aged or infirm persons.

**Service Station:** A building where gasoline, oil and greases are supplied and dispensed to the motor vehicle trade.

**Set Back Line:** The distance between the front lot line in question and nearest principal building line.

**Sign Board:** Any structure or part thereof on which lettered or pictorial matter is displayed for publicity or advertising purposes; also a billboard.

**Single-Family Dwelling:** A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

**Stable, Private:** A building used for the private housing of cattle, sheep, goats, horse or other beasts of burden.

**Stable, Public:** A building used for the public housing of beasts of burden, or, for the keeping of cattle, sheep, goats, or beasts of burden for sale or for hire.

**Structure:** Anything erected, constructed or reconstructed on a foundation, posts, piles, blocks, skids, sills, or any other, support, whether such foundation, posts, piles, blocks, skids, sills or other support is or is not permanently located in, or attached to the soil.

**Structural Change:** Any change in the supporting members of a building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.

**Yard, Height of:** The vertical distance measured from the mean elevation of the highest adjacent wall of the building, which the yard services, to the level of the lowest floor occupied for the purpose which requires such yard.

**Yard, Rear:** That area which extends across the full width of the lot between the rear line of the main building and the rear line of the lot or the center line of the alley by appurtenant buildings.

**Yard, Rear, Depth of:** The mean horizontal distance between the rear line of the building and the rear lot line or the center line of the alley.

**Yard, Side:** That part of a court as herein defined, between the building and the side line of the lot extending through from the front line of the building to the rear line thereof.

## SECTION XXV. AMENDMENT

The Board of County Commissioners may from time to time, amend this resolution by supplementing, changing, modifying, or repealing any of its regulations, restrictions, or other provisions thereof, or of the district map, or of the boundaries of such districts. A proposed amendment may be initiated by said Board of

County Commissioners upon its own motion, or upon receipt of a request therefore from the County Planning Commission or upon receipt of a petition therefore from any interested person or persons or their agents.

- A) Report by County Planning Commission-Public Hearing. The Board of County Commissioners shall require a report from the County Planning Commission on a proposed amendment before taking final action thereon. The County Planning Commission shall there upon make a tentative report and hold a public hearing thereon with the same notice as required for a public hearing by the Board of County Commissioners, before submitting its final report. Such final report shall be submitted within ninety (90) days after the time of referral of the proposed amendment to the County Planning Commission unless the Board of County Commissioners is agreeable to an extension of time.
- B) Action by Board of County Commissioners-Public Hearing. After the receipt of the required final report on any amendment from the county commission or in the event of the failure of the County Planning Commission to so report within ninety (90) days following the time of referral of the proposed amendment to the County Planning Commission, the Board of County Commissioners shall hold a public hearing, after which the proposed amendment may be passed. Notice thereof shall be given as required in Section 11-33-08 of the North Dakota Century Code.

## **PROPOSED AMENDMENT TO BILLINGS COUNTY ZONING RESOLUTION #1 AMENDMENT TO SECTION XX**

H) No corporation, partnership, association, individual, agent or other business entity however organized, engaged in the activity of discovery, exploration, testing, productions, transportation and sale of oil, gas, coal or other related ores or minerals within said County of Billings shall engage in said activities without first obtaining a County Use Permit from the County Zoning Inspector. The County Zoning Inspector shall issue such County Use Permit only upon being satisfied that said activities by said applicant will not result in undo damage or injury to County roads, County bridges, County right-of-ways, County easements, County structures and other property, real or personal, public or private, within said County. Prior to a subsequent change of location or area within the said County, a new County Use Permit shall be obtained.

The County Zoning Inspector in the issuance of said County Use Permit shall charge each applicant a processing fee of Five Dollars (\$5.00) per permit and mileage at the rate allowed County Officials by State Law should the County Zoning Inspector deem it necessary to conduct onsite inspections and other travel related to the issuance of said permit.

The County Zoning Inspector in the issuance of said County Use Permit shall consider among other criteria:

- 1) Gross maximum load limits of vehicles traveling to said site.
- 2) Gross maximum load limits of County bridges and County roads.
- 3) Use and conditions of County roads and County bridges at time application for Use Permit is requested consideration being given to safety to the public maintenance cost of said County roads and County bridges as effected by spring thaw and like conditions.

The following resolution was approved by the Board of County Commissioners on the 5<sup>th</sup> day of August, 1975.

Edward Haag  
Chairman of Board

Raymond Griffin  
County Auditor

The final date of publication in the Billings County Pioneer was the eleventh day of December, 1975.



**AMENDMENT TO BILLINGS COUNTY ZONING  
RESOLUTION NO. 1, PROPOSING TO ADD  
PARAGRAPH (H) TO "SECTION XX. SPECIAL USE" THEREOF.**

(H) No corporation, partnership, association, individual, agent, or other business entity, however organized, engaged in the discovery, exploration, testing, production, transportation, storage, disposal or sale of oil, gas coal, uranium or any and all other minerals, and any by-products thereof or substances produced therewith, within Billings County, North Dakota, shall engage in said activities, specifically including, but not limited to, the drilling of oil wells, gas wells, fluid injection wells, and salt water disposal wells, without first obtaining a County Use Permit from the Billings County Zoning Inspector.

The Billings County Zoning Inspector shall issue such County Use Permit only after being satisfied that the proposed activities will not result in undue damage or injury to Billings County road, bridges, rights-of-way, easements, structures or other property, whether real or personal, public or private. Prior to a subsequent change of location or area within Billings County, a new County Use Permit must be obtained.

The Billings County Zoning Inspector shall charge each applicant for such County Use Permit a fee of Eight Dollars (\$8.00) to cover processing and administrative expenses, plus any mileage and expenses of the Zoning Inspector, at the rate allowed county officials by state law, should it be deemed necessary to conduct on-site inspection, etc. Said fee and expenses, if any, must be paid prior to the approval and issuance of such County Use Permit.

The Billings County Zoning Inspector, in reviewing any application for such County Use Permit, shall consider, in addition to any other criteria deemed appropriate, the following:

- 1) Gross maximum load limits of vehicles traveling to and from proposed area.
- 2) Gross maximum load limits of Billings County roads and/or bridges which will be used by vehicles traveling to and from a proposed area.
- 3) Proposed use and the condition of Billings County roads and/or bridges at the time of application, considering public safety concerns, Billings County maintenance costs, weather conditions, etc.

The foregoing Amendment was approved by the Billings County Planning and Zoning Board on the 19<sup>th</sup> Day of February, 1985.

Walter Dutke  
Board Chairperson

The foregoing amendment was approved by the Billings County Board of County Commissioners on the 5<sup>th</sup> day of March, 1985.

Casimer Rodakowski  
Board Chairperson

Attest  
Raymond Griffin, County Auditor  
Dates of Publication: 03/13 & 03/20/85

**AMENDMENT TO  
BILLINGS COUNTY ZONING RESOLUTION #1**

**SECTION III, AGRICULTURAL**

Land in any district may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings incident to the use for agricultural purposes on the land on which such buildings shall be located, but such buildings shall conform to the regulations contained in this resolution. For the purpose of this resolution, "agriculture shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

Any separate tract of land which comprises less than 40 acres in area may not remain zoned as agricultural land, but must be re-zoned in accordance with the intended use of said tract.

The above Amendment was approved by the Billings County Board of County Commissioners on the 4<sup>th</sup> day of February, 2003.

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Jerry Redmond, Chairman

ATTEST

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Sydney Hegge, Auditor

04-11159

AMENDMENT TO  
BILLINGS COUNTY ZONING RESOLUTION NO. 1

Section XI of the Billings County Zoning Resolution No 1 is amended to read as follows:

**SECTION XI SET-BACK BUILDING LINES**

In the presence of an established roadway with an established right-of-way line, no building or structure, or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within seventy (70) feet of the right-of-way line.

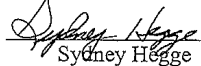
In the presence of an established roadway with no established right-of-way line, no building or structure, or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, shall be erected within one hundred three (103) feet of the center of the roadway.

In the absence of an established roadway, no building or structure, or any portion thereof, except steps and uncovered porches less than ten (10) feet in width, and no trees or other obstructions, shall be erected or placed within seventy-five (75) feet of the center of the section lines.

The above Amendment was approved by the Billings County Board of County Commissioners on the 1<sup>st</sup> day of June, 2004.

  
Jim Arthaud, Chairman

Attest

  
Sydney Hegge



121345  
BILLINGS COUNTY RECORDER  
I hereby certify that the within instrument was  
filed in my office for record this 23<sup>rd</sup> day of  
June A.D. 2004 at 10:45  
o'clock A M, and was recorded in Book 210  
of MSC. Page 481  
Donna Adams  
COUNTY RECORDER  
by Kathy Richard Deputy

No Fees

Billings County Auditor

**INTERIM ZONING AND SUBDIVISION CONTROLS  
IN BILLINGS COUNTY**

**RESOLUTION NUMBER 2005-14**

Whereas, Billings County seeks to optimize orderly growth and responsible development. The County sees increased vacation homes, residences, subdivisions and commercial development located in areas where insufficient ordinances or land use controls currently exist.

Whereas, Billings County believes that continued and unregulated development could result in poorly planned or unsightly developments that may cause irreparable harm to the environment and irreparable harm to surrounding properties and property owners.

Whereas, the City of Medora has yet to decide whether they plan to utilize its extraterritorial jurisdiction outside the City limits. The failure of the City of Medora to exercise its extraterritorial jurisdiction leaves prospective development in this area of the County insufficiently regulated.

Whereas, the Billings County Board of Commissioners hereby orders that the Planning and Zoning Board study the need to develop appropriate ordinances to regulate prospective residential, commercial, horse and cattle ranches under 40 acres, subdivisions and vacation home development within the boundaries of Billings County.

Whereas, the County is entitled to adopt temporary interim zoning and subdivision controls in order to adopt appropriate zoning to preserve the health, safety and general welfare of its citizens.

THEREFORE, be it hereby resolved and ordained:

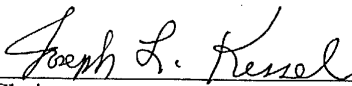
Notwithstanding any other provision in Billings County's planning and zoning laws, comprehensive plan, or other ordinance, the County hereby institutes a temporary, interim ordinance that precludes the platting, construction, or issuance of building permits for any new residential, commercial, horse and cattle ranches under 40 acres, subdivisions and vacation home development within the County, except as specifically allowed by the Board of County Commissioners.

The Board of County Commissioners may, in its discretion, specifically allow individual building permits to issue for the construction of single family homes so long as the following conditions are found to exist: (1) a plat is reviewed and approved by the County Engineer; (2) existing and planned roads are deemed adequate; and (3) sewage treatment, utilities and other infrastructure are deemed adequate.

Billings County implements this moratorium for a period of one year from today's

date, or sooner upon the vote of the County Commissioners or completion of ordinance revisions.

Dated: MAY 9, 2005

  
\_\_\_\_\_  
Chairman  
Billings County Commissioners

**AMENDED INTERIM ZONING AND SUBDIVISION CONTROLS  
IN BILLINGS COUNTY**

**RESOLUTION NUMBER** 2006-12

Whereas, Billings County adopted Interim Zoning and Subdivision Controls in Billings County as resolution number 2005-14 on May 3, 2005;

Whereas, Billings County is currently in the process of updating its land use and subdivision controls to optimize orderly growth and responsible development, meeting the changing needs of the citizenry of Billings County;

Whereas, Billings County needs to amend its Interim Zoning and Subdivision Controls in Billings County, resolution number 2005-14, approved May 3, 2005;

THEREFORE, be it hereby resolved and ordained;

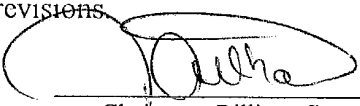
Notwithstanding any other provision in Billings County's planning and zoning laws, comprehensive plan, or other ordinance, the County hereby institutes a temporary, interim ordinance that precludes: (1) the platting or subdivision of any lands; and (2) construction, development or issuance of zoning certificates for: (a) any new residential or commercial structures, (b) establishment of horse and cattle ranches under 40 acres, and (c) vacation home development; except as specifically allowed by the Board of County Commissioners.

The Board of County Commissioners may, in its discretion, specifically allow for subdivisions and/or the issuance of zoning certificates so long as (1) existing and planned access to the lot is deemed adequate; (2) reasonable access to the proposed structure exists; (3) sewage treatment, water availability, utilities and other services and infrastructure are deemed adequate; and (4) the land and soils are deemed suitable for the proposed development, (5) an application for zoning certificate is applied for and received from the Billings County Zoning Inspector.

The County Auditor shall not certify or approve the transfer of any lands or creation of any new parcels if such transfer or creation is not in compliance with this **AMENDED INTERIM ZONING AND SUBDIVISION CONTROLS**.

Billings County implements this moratorium for a period of one year from today's date, or sooner upon the vote of the County Commissioners or completion of ordinance revisions.

Dated: Jan 3, 2006

  
\_\_\_\_\_  
Chairman, Billings County Commissioners

**AMENDMENT TO  
BILLINGS COUNTY ZONING RESOLUTION #1**

**SECTION IX. MINIMUM AREA - BUILDABLE LOT**

- 1) No single family dwelling shall be erected, or building altered to accommodate one family, on less than five (5) acres of lot area unless such lot was designated on a recorded plat or separately owned at the time this resolution took effect and cannot practicably be enlarged to conform with this requirement.
- 2) No two-family or multiple dwelling unit shall be erected, or building altered for dwelling purposes to accommodate more than one family, on less than five (5) acres of lot area per family.
- 3) No living quarters over a business establishment or apartment house shall be erected, or otherwise established through alteration, on less than two thousand, five hundred (2,500) square feet of lot area per unit.
- 4) In computing lot areas, not to exceed one-half of the width of the road or street, a right-of-way may be included if the lot owner holds title to the same.

Dated at Medora, ND this \_\_\_\_\_ day of March, 2007.

BILLINGS COUNTY, NORTH DAKOTA

By: \_\_\_\_\_  
Board Chairman

Attest: \_\_\_\_\_  
Joan Jurgens, County Auditor/Treasurer